



United States
Department of
Agriculture

Food and
Consumer
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO
80204-2581

Reply to
Attn of:

SFSP-407

MAY 4 2000

Subject:

Status of FY 1999 Numbered Policy Memoranda for the Summer Food
Service Program (SFSP) and Continued Relevance

To:

STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas, Missouri DH,
(Child Nutrition Programs) Montana OPI, Nebraska, North Dakota,
South Dakota and Utah

We have reviewed the policy memos that were issued in fiscal year (FY) 1999 for the Summer Food Service Program (SFSP) to determine their continued relevance for FY 2000. Following is a summary of the status of the FY 1999 SFSP policy memos.

The first group contains those policy memos that have been superceded by the issuance of SFSP regulations on December 28 and 29, 1999; the second group contains the policy memos that remain in effect. We have provided regulatory citations where the policy addressed in the superceded memos may be found. For the second group of policy memos, please note that due dates or regulatory citations mentioned in many of the memos are now irrelevant or incorrect, although the policies remain current. Additional explanation is provided for the policy memos marked with an asterisk (*).

Policy Memos Superceded by SFSP Regulations

SFSP-354, 12/17/98, Sponsor and Site Application Requirements

- replaced by revised and new provisions at §225.6(c) and subparagraphs

SFSP-357, 12/17/98, Private Non-Profit Sponsors Procuring Meals from Commercial Vendors

- replaced by revised provisions at §225.15(g)(2)

SFSP-358, 12/17/98, State Agency Monitoring Requirements

- replaced by revised and new provisions at §225.7(d)(1) and (2)

SFSP-360, 12/17/98, Meals Prepared in Schools and Permissible Use of Offer Versus Serve

- replaced by revised provisions at §225.16(f)(1) and subparagraphs

SFSP-362, 12/17/98, Single, Permanent Agreements for School Food Authorities Administering the Child Nutrition Programs

- replaced by new provisions at §225.6(e) and subparagraphs (1) - (3)

SFSP-367, 12/10/98, Implementation of Public Law 105-336

- policy changes relevant to SFSP have been addressed in the regulations at various locations

Policy Memos That Remain in Effect

SFSP-355, 12/17/98, Availability of School and Census Eligibility Data

SFSP-356, 12/17/98, Issues Relating to Meal Service at Sites*

- The Child and Adult Care Program (CACFP) infant meal pattern charts provided as an attachment are now outdated. Please substitute with the most recently published infant meal pattern charts, contained in the December 27, 1999 regulation, entitled "Child and Adult Care Food Program: Overclaim Authority and Technical Changes to the Meal Pattern Requirements".

SFSP-359, 12/17/98, Waiver of Site Limits for Private Nonprofit Organization Sponsors,*

- Statutory changes in the number of sites and children that private nonprofit organizations (PNOs) may serve have been implemented in the SFSP regulations at §225.2 (definition of a PNO), at §225.6(b)(6)(ii), and at §225.14(d)(6)(i). However, we are retaining the policy on allowing waivers for PNO sponsors to operate more than 25 sites, based on the Secretary's waiver authority found in section 12(l) of the National School Lunch Act.

SFSP-368, 12/22/98, Use of Other Programs' Eligibility Information for Closed Enrolled Sites and Camps in the SFSP

SFSP-361, 12/17/98, Meal Service to On-Track Students at Year-Round Sites

SFSP-363, 12/17/98, Certifying Eligibility of Sites Serving Migrant Children

SFSP-364, 12/17/98, Time Restrictions for Meal Service at Migrant Sites

By 6/9/99 → SFSP-365, 12/17/98, Certifying Eligibility of National Youth Sports Program (NYSP) Sites to Participate in the SFSP

SFSP-370, 2/5/99, Supper Meal Service

SFSP-372, 2/16/99, "Continuous School Calendar" and Year-Round SFSP

SFSP-373, 2/16/99, "Mobile Feeding Sites" in Rural Areas

SFSP-374, 2/17/99, Certifying Eligibility of Sites Serving American Indian or Alaska Native Children

SFSP-375, 2/17/99, Small Resource Farmers and Gleaning

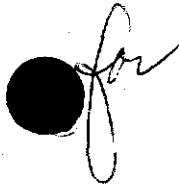
SFSP-376, 3/3/99, Sponsor and Site Application Forms*

- There are some inaccuracies listed on page 5 of the Sponsor Application Form, FNS-81. The interim final SFSP rule changed the warning statement at §225.6(a)(4)(i) by referencing section 12(g) of the National School Lunch Act, rather than section 13(o). The language is different. State agencies that adapt this form should use the revised regulatory language at §225.6(a)(4)(i).

SFSP-380, 4/1/99, Participation of Emergency Shelters Serving Homeless Children

SFSP-387, 6/9/99, Requirement for First-Week Visits in the SFSP

If you have any questions about the information provided in this memorandum, please do not hesitate to contact us at (303) 844-0359.



STELLA NASH
Regional Director
Child Nutrition Programs



United States
Department of
Agriculture

Food and
Nutrition
Service

FEB 7 2000

3101 Park
Center Drive
Alexandria, VA
22302-1500

SUBJECT: Departmental Regulation (DR) 4300-3 Public Notification Policy

TO: Regional Administrators

Staff Directors

Deputy Administrators

Attached is a corrected copy of Departmental Regulation (DR) 4300-3, Public Notification Policy, dated November 16, 1999. DR 4300-3 provides for three nondiscrimination statements.

The first statement is for use by all USDA offices (Federally-conducted programs).

Federally-conducted programs are defined as: Solitary (one time) or continuing decisions, efforts, procedures, and practices of a USDA agency, corporation, committees, or other instrumentality for the purpose of, that result in, or that otherwise contribute to the availability or delivery of services, benefits, or resources for the use, enjoyment, or consumption by a member or members of the public. Examples of Federally-conducted programs include Regional Office Assisted Programs (ROAP), meetings, training, teleconferences, etc.

This statement is to be posted in all USDA offices and included, in full, on all materials produced by USDA and its agencies for public information, public education, or public distribution, except when the appropriate nondiscrimination statement applicable to recipients is distributed by USDA agencies or posted by recipients. This statement specifically lists all the prohibited bases for discrimination in the USDA Civil Rights Policy Statement. The statement shall be in English and in languages appropriate to the local population, and in alternative means of communication (Braille, large print, audiotape, etc.)

USDA's nondiscrimination statement:

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status.

(Not all bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text, that "The USDA is an equal opportunity provider and employer."

The second statement is for Food Stamp Program recipient agencies, and the third is for Special Nutrition Programs and other USDA programs.

Federally-assisted programs and activities are defined as: Includes but is not limited to money paid; rental or use of Federal property at below-market value; gift of Federal property; asset forfeiture funds; Federal training; loan of Federal personnel, subsidies and other arrangements with the intent of providing assistance. Federal financial assistance does not include contract or guarantee or insurance, regulated programs, licenses, procurement contracts at market value, or programs that provide direct benefits.

This statement is to be posted by Food Stamp Program recipient agencies and contains only those bases referred to in applicable Federal law. The statement is to be included, in full, on all materials regarding the recipients' programs that are produced by the recipients for public information, public education, or public distribution.

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

The third statement is for Special Nutrition Programs and other recipient agencies and is to be included, in full, on all materials regarding such recipients' programs that are produced by the recipients for public information, public education, or public distribution.

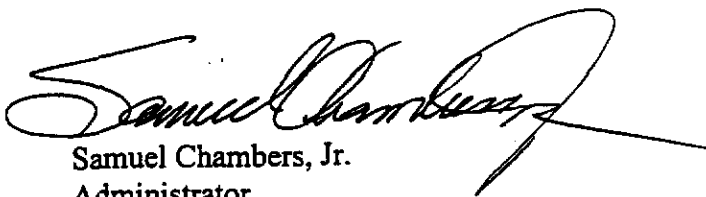
"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text, that "This institution is an equal opportunity provider."

In general, the USDA poster, "And Justice For All" will be used for this purpose except for suitable substitutes in outdoor areas, where necessary. Units will post the nondiscrimination statement in languages appropriate to the local population. Agencies will be responsible for obtaining and distributing appropriate posters to recipients, and ensuring that the nondiscrimination statement is posted in languages appropriate to the local population.

I hope the corrected DR 4300-3 clarifies the current civil rights policy requirements for use of the USDA nondiscrimination statements for USDA and its recipient agencies. If you have any questions, or need additional information, please call Ms. Gloria McColl, of my staff, at (703) 305-2213.



Samuel Chambers, Jr.
Administrator

Attachment

Corrected Copy

DEPARTMENTAL REGULATION		NUMBER: 4300-3
SUBJECT: Equal Opportunity Public Notification Policy	DATE: November 16, 1999	
	OPI: Office of Civil Rights	

1 PURPOSE

This regulation establishes policy for ensuring positive and continuing notification of USDA equal opportunity policy to the public.

2 CANCELLATION

This regulation replaces DR 4300-3 (February 25, 1998). Equal Opportunity Public Notification Policy.

3 SPECIAL INSTRUCTIONS

- a The nondiscrimination statements are to be used in the next issuance of publications, immediately after the approval date of this regulation.
- b Page 4, Section b (1) and (2) have been modified to delete "USDA and its agencies," and to insert "the recipients."

4 POLICY

It is the policy of the Department of Agriculture:

- a That no person shall be discriminated against on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases apply to all programs.) This policy will be communicated to the public through all appropriate USDA public information channels, in English and in languages appropriate to the local population and in alternative means of communication (Braille, large print, audiotape, etc.).
- b To reach out in proactive ways to persons who have not participated equally in its programs and activities in the past. This policy will be disseminated to persons through all public contacts.

6 DEFINITIONS

- a Recipient. Any State, political subdivision of any State, or instrumentality of any State or political subdivision; any public or private agency, institution, or organization; or other entity or any individual in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof.
- b Beneficiary. The individual who ultimately receives program services or benefits.
- c Materials. This term includes print and non-print (audio, video, Internet, etc.) materials.

7 DESCRIPTION OF THE NONDISCRIMINATION STATEMENT

- a USDA - The nondiscrimination statement set out below shall be posted in all USDA offices and included, in full, on all materials produced by USDA and its agencies for public information, public education, or public distribution, except when the appropriate nondiscrimination statement applicable to recipients is distributed by USDA agencies or posted by recipients. The statement below specifically lists all the prohibited bases for discrimination contained in the USDA Civil Rights Policy Statement. The statement shall be in English and in languages appropriate to the local population, and in alternative means of communication (Braille, large print, audiotape, etc.).

USDA's nondiscrimination statement:

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964

Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."

If the material is too small to permit the full statement to be included, the material will at minimum include the statement, in print size no smaller than the text, that "This institution is an equal opportunity provider."

8 RESPONSIBILITIES

a Office of Civil Rights will:

- (1) Provide policy guidance to agencies and recipients upon request and consistent with the findings of the Office of Civil Rights' monitoring activities.
- (2) Provide the necessary format for, and any changes to, the USDA nondiscrimination poster and the nondiscrimination poster to be used by recipients.
- (3) Monitor agency and recipient actions through established review activities for compliance with this policy.

b Office of Communications will:

- (6) Review and monitor all public information materials submitted to it for compliance with the policy established in this regulation. Originating offices will be counseled on appropriate remedies when necessary.

c USDA Agencies will:

- (1) Consult with the Office of Civil Rights on the appropriate content of proposals for new or revised nondiscrimination

- (8) Should not agree to participate in meetings with the knowledge that the meetings(s) were convened to avoid compliance with applicable nondiscrimination requirements.
- (9) Provide materials in alternative means of communication (Braille, large print, audiotape, etc.) upon request.

-END-

